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"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

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July 16, 2021

**VIA ECF**

Hon. Richard Mark Gergel  
U.S. District Court for the District of South Carolina  
J. Waites Waring Judicial Center  
83 Meeting Street  
Charleston, South Carolina 29401

Re: *In re AFFF Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG

Dear Judge Gergel:

As the Court may recall, during the June 2019 Case Management Conference, Your Honor invited the parties to provide you with significant developments concerning PFOS and PFOA that occur during the pendency of this litigation.<sup>1</sup>

As such, and as has been done in the past, the Co-Chairs of the Plaintiffs' *AFFF MDL* Science Committee, Scott Summy, Gary Douglas, Christina Cossich, and Robert Bilott ("Science Committee Co-Chairs"), respectfully submit the enclosed map, which illustrates that additional states have adopted drinking water standards well below the United States Environmental Protection Agency's ("EPA") lifetime health advisory level ("HAL") of 70 ppt for PFOA and PFOS combined since Plaintiffs first presented this subject to the Court during Science Day.

Further, as the Court may recall, the EPA, under the Biden administration, is presently in the process of promulgating a national primary drinking water regulation ("NPDWR") for each PFOA and PFOS. Presumably, this new NPDWR will be based on the latest science and likely, therefore, will more closely reflect the more recently adopted standards as compared to the now five-year old 2016 HAL.

We will continue to keep the Court apprised when further regulatory action is taken as it appears other states in addition to the EPA are in the process of establishing PFAS standards for drinking water.

We thank the Court for its continued time and courtesies.

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<sup>1</sup> See June 21, 2019 Case Management Conference Transcript, at 25:7-20.



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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fred Thompson III' with a stylized flourish at the end.

Fred Thompson, III  
*Plaintiffs' Liaison Counsel*

Encl.

cc: Defense Liaison Counsel (via email)  
Plaintiffs' Co-Lead Counsel